

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DONALD LEE KIRK,

Plaintiff,

V.

**COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,**

Defendant.

CASE NO. 6:20-cv-382-JDK-KNM

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Donald Lee Kirk filed this appeal from a final administrative decision of the Commissioner of the Social Security Administration denying his application for Supplemental Security Income benefits. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On March 1, 2022, Judge Mitchell issued a Report recommending that the Court reverse the Commissioner's final administrative decision and remand this matter to the Commissioner for further administrative proceedings. Docket No. 20. No written objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430


(5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, the parties did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 916 (1989) (holding that the standard of review is "clearly erroneous, abuse of discretion and contrary to law" if no objections to a Magistrate Judge's Report are filed).

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law.

Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 20) as the findings of this Court. The Commissioner's final administrative decision is **REVERSED** and the matter is **REMANDED** to the Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

So **ORDERED** and **SIGNED** this **16th** day of **March, 2022**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE